

CCRB CASE CLOSING FORM

Investigator assigned: J. Gooding - Alexander		Team: 4	CCRB#: 9605778	FADO: F A D O
Date of incident: 12/23/96	Time of incident: 10 p.m.	Location of incident: § 87(2)(b), Brooklyn NY	Pct. of occurrence: 075	Date SOL expires: 6/23/98
Date reported: 12/26/96	Time reported: 10:45 p.m.	To whom/where/how reported: The complainant filed his complaint to the CCRB by telephone.		
Complainant/ Victim: § 87(2)(b)	Home address: § 87(2)(b)			
Other Victim(s): § 87(2)(b)	§ 87(2)(b)			
Witness(es): § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)				
Subject officer(s) (include rank): PO James McSwigin PO Paul Pizzuta Sgt. Paul DeEntremont	Shield: 13343 26262 0852	Tax: 902925 902212 895944	Command: SCU SCU SCU	
Witness officer(s) (include rank): None				
Allegation(s) by letter: A) PO McSwigin used excessive force when grabbed § 87(2)(b) § 87(2)(b) and threw him on the ground in violation of Patrol Guide procedure 104-01. B) PO McSwigin used excessive force when he slapped § 87(2)(b) § 87(2)(b) in his face in violation of Patrol Guide procedure 104- 01. C) PO McSwigin used excessive force by jumping on § 87(2)(b) § 87(2)(b)'s back inside the RMP in violation of P.G., procedure 104-01. D) PO McSwigin abused his authority by allowing PO Pizzuta to			Recommendation(s): § 87(2)(g) § 87(2)(g) § 87(2)(g)	

punched § 87(2)(b) in violation of P.G. procedure 104-01.	§ 87(2)(g)
E) PO McSwigin used excessive force by pointing his gun at § 87(2)(b) in violation of P.G. procedure 104-01.	§ 87(2)(g)
F) PO Pizzuta used excessive force when he maced § 87(2)(b) in violation of P.G. procedure 104-01.	§ 87(2)(g)
G) PO Pizzuta used excessive force when he grabbed § 87(2)(b) and pushed and pulled him in violation of P.G. procedure 104-10.	§ 87(2)(g)
H) PO Pizzuta used excessive force when he punched § 87(2)(b) in violation of P.G. procedure 104-01.	§ 87(2)(g)
I) PO Pizzuta used excessive force when he ground his fist in § 87(2)(b)'s face in violation of P.G. procedure 104-01.	§ 87(2)(g)
J) Sgt. DeEntremont used excessive force when he punched § 87(2)(b) in violation of procedure 104-01.	§ 87(2)(g)
K) Sgt. DeEntremont abused his authority by allowing § 87(2)(b) to be beaten in his patrol car in violation of P.G. procedure 104-01.	§ 87(2)(g)
L) PO Pizzuta was discourteous and used an ethnic slur when he said "these fucking black niggers," in violation of P.G. procedure 104-01.	§ 87(2)(g)

Summary

On December 23rd, 1996 at about 10 p.m., Street Crime Unit Officers Sgt. DeEntremont, PO Pizzuta and PO McSwigin observed § 87(2)(b) look at them and place his hand in his waistband. The officers found that § 87(2)(b)'s action was suspicious and decided to question him. They came out from their car and PO Pizzuta approached him. PO McSwigin yelled out for § 87(2)(b) to remove his hands from his waistband, but § 87(2)(b) yelled and cursed at the officers and threatened to "kick their asses." § 87(2)(b) pushed PO Pizzuta and PO McSwigin grabbed him around his shoulders, threw him on the ground and a struggle ensued. Sgt. DeEntremont attempted to grab § 87(2)(b) arms to handcuff him, however a crowd of about 50 people gathered and the sergeant left the struggle, so that he could control the crowd. PO Pizzuta maced § 87(2)(b), to subdue him and § 87(2)(b) gave up the struggle. PO McSwigin was able to handcuff him. § 87(2)(b) was transported to the 75th precinct where he was issued a § 87(2)(b) summons and released. He suffered a bruise on his forehead and his face and eyes were red and irritated from the pepper spray. § 87(2)(b) sought medical attention at § 87(2)(b).

Analysis

§ 87(2)(b) stated that he first observed an unmarked police driving by slowly , then stop in front of him and his friend § 87(2)(b). PO McSwigin came out from the car, frisked § 87(2)(b) and asked him if he had guns. PO Pizzuta grabbed § 87(2)(b) by his jacket, pushed and pulled him (allegation G) and frisked him. He was released but as he started to walk towards his house, the officers surrounded . PO McSwigin grabbed him around his neck and threw him on the ground (allegation A). Sgt. DeEntremont punched § 87(2)(b) while he was on the ground (allegation J), and PO Pizzuta maced him (allegation F). The officers placed § 87(2)(b) in their patrol car and quickly drove off, but they took a long route to the station house. During the drive to the station house, § 87(2)(b) alleged that PO MsSwigin smacked him on his face (allegation B), jumped on his back (allegation C) and held his face so that PO Pizzuta could punch him (allegations D & H). PO Pizzuta ground his fist in § 87(2)(b) face (allegation I). (See § 87(2)(b) interview report, enc. 2 – 2 A).

§ 87(2)(b) stated that he saw PO Pizzuta on § 87(2)(b) back and when he questioned their behavior PO McSwigin pointed his gun at him (allegation E). (See § 87(2)(b)'s interview report, encs. 4 – 4 A).

§ 87(2)(b) said she saw Sgt. DeEntremont get out from an unmarked police car and approached § 87(2)(b) because he is big. He turned him around against a wall. PO McSwigin threw § 87(2)(b) on the ground and Sgt. DeEntremont punched § 87(2)(b) in his face (allegation K). When § 87(2)(b) neighbors asked why were the officers beating § 87(2)(b) PO Pizzuta said "these fucking black niggers." (allegation L). § 87(2)(b) said she did not see the officers do anything to § 87(2)(b). (See § 87(2)(b) interview report encs. 8 – 8 A)

§ 87(2)(b) stated that he saw PO Pizzuta push § 87(2)(b) against a fence and saw him punch him. He saw PO McSwigin hold § 87(2)(b) in a yoke and hit him. § 87(2)(b) said that he saw that the officers took a longer route to the station house and he rode on his bike to the station house but § 87(2)(b) was not yet there. He rode back to his house and then back to the station house and waited a while before the officers arrived with § 87(2)(b). He noticed that § 87(2)(b)'s eye was red and he had mace all over his face. (See § 87(2)(b) interview report, enc. 6 – 6 A)

§ 87(2)(b) § 87(2)(g) § 87(2)(b) said that she saw the short officer point his gun at her brother. (See enc. 10)

The subject officers § 87(2)(g) stated that they observed § 87(2)(b) acting suspiciously by placing his hand in his waist area. As they approached him became abusive and pushed PO Pizzuta. PO MsSwigin grabbed § 87(2)(b) and threw him on the ground where they struggled. PO Pizzuta discharged his mace to subdue him instead of using physical force. They handcuffed him and transported him to the station house where he was issued a § 87(2)(b) summons and released. Other than grabbing § 87(2)(b) throwing him on the ground and macing him, the subject officers denied the other allegations. (See encs. 12 – 12 A, 14 – 14 A & 16 – 16 A)

Analysis – Continued.

§ 87(2)(g)

§ 87(2)(b) § 87(2)(b) recalled that Sgt. DeEntremont turned § 87(2)(b) against a wall but she does not recall § 87(2)(b) being frisked. § 87(2)(b) § 87(2)(b) recalled that PO Pizzuta pushed § 87(2)(b) against a fence, and § 87(2)(b) § 87(2)(b) said that PO Pizzuta pulled and pushed him, frisked and released him, then PO McSwigin grabbed him around his neck and threw him on the ground.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) did not cooperate with this investigation, (see encs. 24, 26 & 28) I spoke with his aunt (see enc. 26). She said that she has no knowledge of her nephew being frisked. § 87(2)(g)

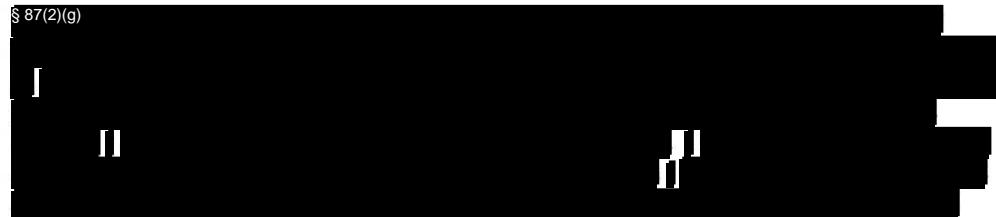
§ 87(2)(b) § 87(2)(b) was the only person who alleged that § 87(2)(b) was dragged – § 87(2)(b) § 87(2)(b) said she saw her son get up from the ground. § 87(2)(b) § 87(2)(b) himself did not support the allegation. § 87(2)(g)
Despite giving the § 87(2)(b) family business cards to give to independent witnesses, no one responded. I spoke with § 87(2)(b) about his witnesses (see enc. 28) and also sent him a letter requesting his help (see enc. 25), neither he nor any other witnesses contacted me. Except for § 87(2)(b) – § 87(2)(b)'s girlfriend- all the witnesses are family members.

§ 87(2)(b) § 87(2)(b) said that Sgt. DeEntremont took a long route to the station house. I visited § 87(2)(b) at his home (see enc. 26). I had him take me to the short route to the station house and the one that the sergeant actually took. The short route took 2 minutes, and the long one 5 minutes – including stopping for 1 traffic light. § 87(2)(g)

§ 87(2)(b) § 87(2)(b)'s medical records (encs. 18 E & 18 F) shows that he complained of pain on his wrist as a result of the handcuffs, and had red circles on them. He also complained of tenderness on his left thigh. These are the only complaints that § 87(2)(b) § 87(2)(b) had. § 87(2)(g)

Recommendation.

§ 87(2)(g)



Investigator: J. Gooding - Alexander

Date: 9/23/97

Supervisor: [Signature]

Date: 9/24/97

Reviewed by: _____

Date: _____

Reviewed by: _____

Date: _____